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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,091	03/23/2004	Sayling Wen	3313-1139PUS1	1876
2292 7590 03/09/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER CRABTREE, JOSHUA DAVID	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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## Office Action Summary

Application No.

10/806,091

Applicant(s)

WEN ET AL.

Examiner

Joshua D. Crabtree

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/23/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1, 3, 6-8, 10-12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pellegrino et al. (US 6,149,441).**

Pellegrino et al. discloses a computer-based educational system. With regard to the intended use of the system for language learning, Pellegrino et al. disclose that lessons within a plurality of subject areas may be taught (Col. 15: 66 - Col. 16: 2). The invention of Pellegrino et al. is therefore inherently capable of being used to teach the subject of language learning, if desired by a user of the invention.

With regard to claim 1, and the limitation of a curriculum database, for storing multimedia contents composed of text and pictures of at least a curriculum topic for users to refer during talking, Pellegrino et al. disclose that a server computer may be used to store lesson materials (Item 20 in Fig. 1; Col. 8: 26-59). Lesson materials may be in the form of text, audio, images, and video (Col. 11: 10-22; Col. 9: 62 - Col. 10: 16).

With regard to the limitation of a local learning module, for getting correspondent curriculum contents from the database according to a curriculum topic

selected by a local user, Pellegrino et al. discloses that a user may download and view learning materials via a client computer (Item 21 in Fig. 1; Col. 6: 33-51; Col. 8: 26-39; Fig. 4 shows a screenshot in which a user may select a lesson from a specific topic, such as Ecology or History).

With regard to the limitation of a curriculum coding module, for coding characteristics of the curriculum contents, Pellegrino et al. disclose that a Lesson Builder (Item 74 in Fig. 1) may be used to build lesson plans and lesson pages including learning material (Col. 15: 55-60).

With regard to the limitation of a user-mating module, for establishing user connections and transferring the characteristic code to a remote user site, Pellegrino et al. disclose that a user may receive learning materials via a network, such as the Internet (Item 26 in Fig.1). A Lesson Delivery Management module delivers lessons to a user (Item 78 in Fig. 1; Col. 8: 55-59; Col. 9: 62 - Col. 10: 16).

With regard to the limitations of a curriculum decoding module, for receiving and decoding the characteristic codes to generated correspondent curriculum pages, and a page synchronization module, for returning and updating curriculum pages for the users, and a page synchronization module, for returning and updating the curriculum pages for the users, Pellegrino et al. disclose that a user may interact with the learning materials via a client computer to the Internet (Items 21 and 26 in Fig. 1). Additionally, Pellegrino et al. disclose that a user may implement Web browsing software to view Web page contents (Item 98 in Fig. 1; Screenshots are shown in Figs. 4-

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8). Thus a personal computer may display the contents of a Web page to a user (i.e., decode characteristic codes to generate curriculum pages), and update the pages for the users.

With regard to the limitation of a remote communication module at each site for providing oral intercommunicating on the curriculum pages through audio/video communication of the users, Pellegrino et al. disclose that each client computer may include collaboration software, such as the videoconferencing client MICROSOFT NETMEETING®, so that students and teachers may all interact with each other (Item 102 in Fig. 1; Col. 26: 7-22).

With regard to claim 3, and the limitation wherein the user mating module further comprises a user management unit for maintaining a list of registered users and generating a user status list, Pellegrino et al. disclose a Student/Class Database which organizes data relating to each student (Item 68 in Fig. 1; Col. 8: 50-55). Pellegrino et al. also disclose that a list of students may be created (Col. 9: 56-58). Additionally, Pellegrino et al. disclose that it is known in the art to generate a user status list (Col. 1, lines 34-35 refer to Ziv-El, US Pat. No. 5,437,555, which discusses a list of students, along with corresponding response in Col. 11: 52-68 of Ziv-El. Additionally, Col. 1, lines 37-38 refer to Krohn et al., US Pat. No. 5,458,494, which discusses producing a report of the names of students, along with other information such as what material the student has viewed, in Fig. 2A of Krohn et al.)

With regard to claims 6 and 10, and the limitation wherein users are classified as teachers and students, Pellegrino et al. disclose use of the invention by persons designated as students and teachers (Col. 3: 55-57).

With regard to claims 7 and 11, and the limitation wherein the teachers are users who have been certified through a certification process, the invention of Pellegrino et al. is inherently capable of being used by any type of person, including teachers who have been certified through a certification process.

With regard to claim 8, and the limitation of a user choosing a curriculum topic from a curriculum database for oral practice, Pellegrino et al. disclose that a user may select from a plurality of topics (*Fig. 4 shows a screenshot in which a user may select a lesson from a specific topic, such as Ecology or History*). With regard to using the topic for oral practice, Pellegrino et al. disclose videoconferencing software may be used, as previously described.

With regard to the limitation of establishing a connection between a local user and a remote user according to user status, Pellegrino et al. disclose that students may receive lesson materials via remotely connected computers, as previously described. With regard to establishing the connection according to user status, Pellegrino et al. disclose a login screen (Fig. 3), at which a user must provide an I.D. and password (boxes 120 and 122) in order to log on. Therefore, a user may only be connected to the system if the user is registered with the system (i.e., the status of the user determines if the user may access the system).

With regard to the limitation of encoding the curriculum content characteristics and transferring codes to the remote user site, Pellegrino et al. disclose that a Lesson Builder (Item 74 in Fig. 1) may be used to build lesson plans and lesson pages including learning material (Col. 15: 55-60), and that a Lesson Delivery Management module delivers lessons to a user (Item 78 in Fig. 1; Col. 8: 55-59; Col. 9: 62 – Col. 10: 16), as previously described.

With regard to the limitation of decoding the characteristic codes to generate correspondent curriculum pages, and returning and updating the curriculum pages to the local user, Pellegrino et al. disclose that a user may implement Web browsing software to view Web page contents (Item 98 in Fig. 1; Screenshots are shown in Figs. 4-8), as previously described. Thus a personal computer may display the contents of a Web page to a user (i.e., decode characteristic codes to generate curriculum pages), and update the pages for the users.

With regard to claim 12, and the limitation wherein the user status comprises online status and reservation status, Pellegrino et al. disclose that the user must log on to the system via a log-on screen, as previously described (*thus the status of the user must be "online" for the user to be connected, otherwise the user is not able to view the log-on screen.*) Additionally, Pellegrino et al. disclose that is known in the art to schedule delivery of specific courseware to specific students within selected time periods (*i.e., a user status comprises a reservation status*) (Col. 1: 63 – Col. 2: 5).

With regard to claim 15, and the limitation of showing remote user status, Pellegrino et al. disclose that it is known in the art to show status of remote users (*Col. 1, line 63 refers to Daniels et al., US Pat. No. 5,310,349, which discusses monitoring the status of each computer in an educational network in Col. 1, lines 45-47*). With regard to the limitations of receiving a selection from the local user, and establishing connection between the local user and a remote user based on the selection, Pellegrino et al. disclose that a student may select lesson material, and that a plurality of students may collaborate with each other on the lesson (*Col. 3: 47-58*). Pellegrino et al. disclose that students may collaborate on assignments using videoconferencing applications, as previously described (*Co. 26: 7-22*). Therefore, the link established between the students is established based upon the lesson material being worked on, which was selected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 2 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al. in view of Rothenberg (US 5,717,828).**



With regard to claims 2 and 9, Pellegrino et al. disclose that videoconferencing software may be used for intercommunication, as previously described (therefore, audio signals of a user's speech may be received, as in claim 9). Additionally, Pellegrino et al. disclose that assessments may be conducted to assess the students' comprehension and performance in carrying out lesson assignments (Col. 22: 46-52; See also Table II). However, Pellegrino et al. do not explicitly disclose the feature of an achievement module, connecting with the remote communication module for comparing speech waveforms of the user's speech to waveforms of correspondent speech data in the database so as to provide an achievement result of learning (as in claim 2), and comparing audio signals of the user's speech with correspondent data from the database, and generating a comparison result (as in claim 9). Rothenberg teaches a learning system in which the waveform corresponding to a user's speech output is compared to a waveform stored in memory, to determine if the user has provided an appropriate verbal input (Col. 2: 29-63; Col. 5: 20 - Col. 6: 44). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Rothenberg into the invention of Pellegrino et al. in order to provide a learning system in which the verbal input of a student may be used to assess the student's comprehension of a subject.

3. **Claims 4, 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al. in view of McKelvie et al. (US 2003/0217096).**

With regard to claims 4, 13, and 14, Pellegrino et al. disclose that users may communicate using videoconferencing applications to work on joint assignments (Col. 26: 7-23), as previously described. Additionally, Pellegrino et al. disclose that it is known in the art to monitor the status of each computer in an educational network (*Col. 1, line 63 refers to Daniels et al., US Pat. No. 5,310,349, which discusses this feature in Col. 1: 45-47, and Col. 4: 53-68*). However, Pellegrino et al. do not explicitly disclose the limitation wherein the online status of a user is one selected from a group of "busy", "idle", and "offline" (as in claims 4 and 13), and "reserved" or "unreserved" (as in claim 14). McKelvie et al. teach a system in which a chat client may provide the feature of indicating status of a user, which may be busy (i.e., reserved), idle (i.e., unreserved), or offline (Paragraphs [0003] and [0402]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of McKelvie et al. into the invention of Pellegrino et al. to provide a networked educational system wherein users may view the status of other users, such as busy, idle or offline, so that each user would know if another user were available for discussion.

With regard to claims 5 and 14, Pellegrino et al. disclose that users of the invention may use videoconferencing applications, as previously described. However, Pellegrino et al. do not explicitly disclose the feature wherein the user management unit further provides reservations that a user can send a reservation request for another user. McKelvie et al. teach the feature wherein a user may send a chat request to another user, in order to initiate a chat session (Paragraphs [0083 - 0084]). It would have

been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of McKelvie et al. into the invention of Pellegrino et al. in order to provide a networked educational system in which a user may send a chat request (i.e., reservation request) to another user to begin a session for completing a joint assignment. With this feature, a user would be made aware that another user wished to communicate via the chat request, and this could prompt the user to join in the videoconference or discussion.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (US 2003/0129571) discloses a system and method for language education.

Lee et al. (US 5,788,508) disclose an interactive computer aided natural learning method and apparatus.

Siefert (US 6,334,779) discloses a computer-assisted curriculum.

George et al. (US 5,978,648) discloses an interactive multimedia performance assessment system and process for use by students, educators and administrators.

Bly et al. (US 5,008,853) disclose a system for representation of collaborative multi-user activities relative to shared structured data objects in a networked workstation environment.

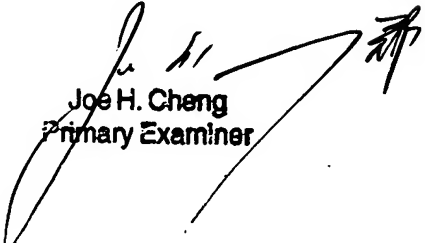
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Joshua D. Crabtree  
February 28, 2007

  
Joe H. Cheng  
Primary Examiner